

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES O. RUGH : CIVIL ACTION
: :
v. : :
MICHAEL J. ASTRUE : NO. 07-2208

ORDER

AND NOW, this 21st day of May, 2008, upon consideration of Plaintiff's Request for Review (Docket No. 6) and Defendant's response thereto, and after careful review of the Report and Recommendation of United States Magistrate Judge Elizabeth Hey, to which the parties have filed no objections, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Plaintiff's Request for Review is **GRANTED**, and the decision of the Commissioner of Social Security is **REVERSED**, to the extent that the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's Report.
3. **JUDGMENT IS ENTERED** in favor of Plaintiff, reversing the decision of the Commissioner for the purpose of this remand only.

BY THE COURT:

/s/ John R. Padova, J.
John R. Padova, J.